

**EXHIBIT A**

**NIEDWESKE BARBER, P.C.**

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MD KABIR, on behalf of himself and  
others similarly situated,

Plaintiff

vs.

581 5th AVE GIFTS LLC, d/b/a PHANTOM  
OF BROADWAY #2,

Defendant.

Civil Action No.: 08-4330 (LLS)

**STIPULATION OF DISMISSAL**

The parties hereto, having amicably resolved this matter pursuant to a fully  
executed Settlement Agreement and Mutual Release, hereby stipulate to the with  
prejudice dismissal of the Complaint filed in this action without costs or expenses to any  
party.

ROBERT L. KRASELNIK

By: 

Robert L. Kraselnic  
Attorney for Plaintiff

NIEDWESKE BARBER, LLC

By: 

Peter J. Heck, Esq.  
Attorney for Defendant